

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1825, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 3, between lines 6 and 7, begin new paragraph and insert:
- 2 "SECTION 2. IC 31-9-2-29.5 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29.5. "Crime involving
- 4 domestic or family violence" means a crime that occurs when a family
- 5 or household member commits, attempts to commit, or conspires to
- 6 commit any of the following against another family or household
- 7 member:
- 8 (1) A homicide offense under IC 35-42-1.
- 9 (2) A battery offense under IC 35-42-2.
- 10 (3) Kidnapping or confinement under IC 35-42-3.
- 11 (4) A sex offense under IC 35-42-4.
- 12 (5) Robbery under IC 35-42-5.
- 13 (6) Arson or mischief under IC 35-43-1.
- 14 (7) Burglary or trespass under IC 35-43-2.
- 15 (8) Disorderly conduct under IC 35-45-1.
- 16 (9) Intimidation or harassment under IC 35-45-2.

- 1 (10) Voyeurism under IC 35-45-4.
- 2 (11) Stalking under IC 35-45-10.
- 3 (12) An offense against the family under IC 35-46-1-2 through
- 4 IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.
- 5 **(13) Human and sexual trafficking under IC 35-42-3.5."**
- 6 Page 9, line 31, after "Class" delete "A" and insert "B".
- 7 Page 10, line 1, after "Class" delete "A" and insert "B".
- 8 Page 10, between lines 1 and 2, begin a new paragraph and insert:
- 9 "SECTION 9. IC 35-45-2-1 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A person who
- 11 communicates a threat to another person, with the intent:
- 12 (1) that the other person engage in conduct against the other
- 13 person's will;
- 14 (2) that the other person be placed in fear of retaliation for a prior
- 15 lawful act; or
- 16 (3) of causing:
- 17 (A) a dwelling, a building, or another structure; or
- 18 (B) a vehicle;
- 19 to be evacuated;
- 20 commits intimidation, a Class A misdemeanor.
- 21 (b) However, the offense is a:
- 22 (1) Class D felony if:
- 23 (A) the threat is to commit a forcible felony;
- 24 (B) the person to whom the threat is communicated:
- 25 (i) is a law enforcement officer;
- 26 (ii) is a judge or bailiff of any court;
- 27 (iii) is a witness (or the spouse or child of a witness) in any
- 28 pending criminal proceeding against the person making the
- 29 threat;
- 30 (iv) is an employee of a school corporation; ~~or~~
- 31 (v) is a community policing volunteer;
- 32 **(vi) is an employee of a court; or**
- 33 **(vii) is an employee of a probation department;**
- 34 (C) the person has a prior unrelated conviction for an offense
- 35 under this section concerning the same victim; or
- 36 (D) the threat is communicated using property, including
- 37 electronic equipment or systems, of a school corporation or
- 38 other governmental entity; and

- 1 (2) Class C felony if, while committing it, the person draws or
 2 uses a deadly weapon.
 3 (c) "Threat" means an expression, by words or action, of an intention
 4 to:
 5 (1) unlawfully injure the person threatened or another person, or
 6 damage property;
 7 (2) unlawfully subject a person to physical confinement or
 8 restraint;
 9 (3) commit a crime;
 10 (4) unlawfully withhold official action, or cause such withholding;
 11 (5) unlawfully withhold testimony or information with respect to
 12 another person's legal claim or defense, except for a reasonable
 13 claim for witness fees or expenses;
 14 (6) expose the person threatened to hatred, contempt, disgrace, or
 15 ridicule;
 16 (7) falsely harm the credit or business reputation of the person
 17 threatened; or
 18 (8) cause the evacuation of a dwelling, a building, another
 19 structure, or a vehicle."
 20 Renumber all SECTIONS consecutively.
 (Reference is to HB 1825 as introduced.)

and when so amended that said bill do pass.

Representative Ulmer